

## BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the matter of the request for ) Zone Change  
a zone change by ) Case No. ZC 9-96  
ROBERT R. STEVENS ) CUP 50-96  
)  
)

This matter came before Michael L. Brant, Hearings Officer for Klamath County, Oregon, on July 5, 1996, in the Klamath County Museum Meeting Room in Klamath Falls, Oregon. The hearing was held pursuant to notice given in conformity with the Klamath County Land Development Code and related statutes and ordinances. The Klamath County Planning Department was represented by Mr. Kim Lundahl who also served as the recording secretary. The Klamath County Planning Department file and all the exhibits and other contents therein is incorporated by this reference into this matter. The Klamath County Planning Department staff report was received. Based upon the evaluation of the staff report and consideration of the evidence received, the hearings officer makes the following findings of fact and conclusions and makes the following decision.

## FINDINGS OF FACT

The applicant requests a Zone Change from Commercial Recreational to Commercial General to permit establishment of a private high school on seventeen (17) acres west of Spring Creek, one (1) mile north of Collier Park, north of Chiloquin. The subject property is identified as T.A. 3407-4-600 and is accessed by way of a local road north from Idlerest Subdivision. There was no evidence of a legal right of way from Highway 97. The adjacent area consists of summer homes and cabins. The access road is not a public road, is not suitable for heavy vehicles or heavy traffic and is

96 JUL 22 AM 0:57

inaccessible at some times during winter months. The only access is through Collier State Park. There is an environmentally delicate area in the vicinity which cannot withstand substantial human encroachment. The requested zone change does not meet the requirements of the Klamath County Land Development Code Article 47, Sections 47.030 A. and B 1 through 5.

The proposed conditional use does not meet the requirements of the KCLDC Article 44, Sections A, B and C.

#### CONCLUSION

There is no basis upon which to approve the requested Zone Change and Conditional Use Permit.

#### ORDER

It is hereby ordered that the requested Zone Change 9-96 and CUP 50-96 are denied.

DATED THIS 18th day of July 1996 .

Michael L. Brant  
Michael L. Brant  
Hearings Officer

#### KLAMATH COUNTY LAND DEVELOPMENT CODE SECTION 24.060 PROVIDES:

"An Order of the Hearings Officer may be appealed to the Board of County Commissioners within seven (7) days of its mailing as set forth in Article 33."

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Planning the 22nd day  
of July A.D., 19 96 at 10:57 o'clock AM., and duly recorded in Vol. M96,  
of Deeds on Page 21853.

FEE No Fee

Bernetha G Letsch, County Clerk

By Christy Russell